

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JASON WAYNE FAULKNER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Case No. 2D13-3454

Opinion filed August 6, 2014.

Appeal from the Circuit Court for Polk County; John K. Stargel, Judge.

Howard L. Dimmig, II, Public Defender, and John C. Fisher, Assistant Public Defender, Bartow, for Appellant.

Jason Wayne Faulkner, pro se.

Pamela Jo Bondi, Attorney General, Tallahassee, for Appellee.

MORRIS, Judge.

Jason Faulkner appeals the revocation of his community control and his resulting sentences in four cases, which total fifteen years in prison followed by ten years' probation. We affirm his convictions and sentences with one exception. Upon revocation of Faulkner's community control, the trial court sentenced him as a habitual

felony offender in all four cases, but the offense of possession of methamphetamine in case 10-1156 is not a qualifying offense under the habitual felony offender statute. See § 775.084(1)(a)(3), Fla. Stat. (2009); Winthrop v. State, 974 So. 2d 512, 513 (Fla. 2d DCA 2008). We also note that Faulkner was not sentenced as a habitual felony offender in case 10-1156 when he was originally sentenced to community control in 2010. Accordingly, we reverse his sentence for possession of methamphetamine in case 10-1156 and remand for the limited purpose of striking the habitual offender designation.

Affirmed in part, reversed in part, and remanded.

VILLANTI and BLACK, JJ., Concur.